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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

HARLAN KELLY, JR.,

Defendant.

Case No.: 3:21-CR-00402-RS

**DEFENDANT HARLAN KELLY JR.'S
PROPOSED ADDITIONAL JURY
INSTRUCTION**

Judge: Hon. Richard Seeborg

In addition to the proposed modified and additional jury instructions filed yesterday (Dkt. No. 286), the defense proposed one additional jury instruction:

ADDITIONAL INSTRUCTION REQUESTED:

A public official does not commit honest services fraud if his intent was limited to the cultivation of a personal, business, or political friendship. Rather, the official must have had an intent to be improperly influenced in his official duties.

A public official's receipt of hospitality does not defraud the public of its right to honest services unless the public official accepts such hospitality with the intent to be influenced or deceive the public.

Authority: *United States v. Kincaid-Chauncey*, 556 F.3d 923, 946 (9th Cir. 2009)

DATED: July 8, 2023

By: /s/ Brian H Getz
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